

REMARKS

This is in response to the non-final Office Action dated August 13, 2008. A Petition for Extension of Time is filed herewith to extend the period of response up to and including February 13, 2009. The fee of \$1,110 to cover the required extension fee for a large entity is paid on line via an authorized credit card.

In the subject Action, claims 1-23 were rejected. Claims 1-23 remain pending in the present application. In light of the following remarks, Applicants respectfully request withdrawal of the rejections and advancement of this application to allowance.

Rejections under § 103

A. Claims 1-3, 6 and 10

In paragraph 2 of the subject Action, claims 1-3, 6 and 10 were rejected under §103(a) as being unpatentable over Stemler (U.S. Patent No. 4,709,435) in view of Hertweck (U.S. Patent No. 6,434,903). Applicants respectfully traverse this rejection.

First, claim 1 recites, “a base component that includes a central pan and lap joints on each side of the pan to enable adjacent main decking panels to be positioned side by side in overlapping relationship.” In contrast, and as acknowledged by the Examiner, Stemler fails to disclose or suggest a base component as recited in Applicants’ claim 1.

Second, Hertweck also fails to disclose or suggest a base component that includes a central pan and lap joints on each side of the pan to enable adjacent main decking panels to be positioned side by side in overlapping relationship. Rather, Hertweck is directed to a section fixable to an anchoring base by fastening screws. (Hertweck, col. 1, ll. 9-10). Hertweck discloses a ceiling support section 10 having fastening flanges 13. The ceiling support section 10 may be mounted with its center part 11 pointed downwardly and be screwed with its fastening flanges 13 to abut an anchoring base 17. (Hertweck, col. 4, ll. 42-52, and Fig. 3). The fastening flanges for abutting a anchoring base as disclosed in Hertweck do not disclose and/or suggest “lap joints” on

each side of the pan to enable adjacent main decking panels to be positioned side by side in overlapping relationship,” as required by claim 1 of the present application.

Third, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the alleged teaching of Stemler with the alleged teaching of Hertweck such as to render obvious claims 1-3, 6, and 10. Specifically, Stemler is directed to a bridge deck system for attaching a prefabricated bridge deck panel to a bridge structure. Stemler discloses an end plate 28 and a side closure extrusion 32 being welded to a deck plate 16 in the bridge deck system. (Stemler, col. 4, ll. 53-65). Stemler does not disclose any possibility of using lap joints as an alternative arrangement. In addition, bolts 62, 66 are arranged and used for end and side-by-side connections of adjacent bridge deck panels 10. Such welded and bolted arrangements as disclosed in Stemler do not suggest a use of lap joints.

Hertweck is directed to a section that can be fixed to an anchoring base by means of fastening screws. There is no suggestion or motivation for a person skilled in the art to look at the disclosure in Hertweck as being in any way relevant to the bridge deck system disclosed in Stemler.

Additionally, even if the disclosures of Stemler and Hertweck were combined, Applicants invention recited on claim 1 would not result thereby since neither reference discloses “a base component that includes a central pan and lap joints on each side of the pan to enable adjacent main decking panels to be positioned side by side in overlapping relationship.”

Claims 2-3, 6 and 10 are dependent claims and so are also believed to be allowable over the art of record.

In view of the above, reconsideration and withdrawal of the rejection is respectfully requested. Applicants do not otherwise concede the correctness of the Examiner's rejections and reserve the right to make additional arguments as may be necessary.

B. Claim 4, 5, 7-9, and 11-23

Next, the Examiner made the following § 103 rejections:

- Claim 5 was rejected as being unpatentable over Stemler in view of Hertweck and further in view of Holmgren (U.S. Patent No. 3,583,123);
- Claims 7-9 were rejected as being unpatentable over Stemler in view of Hertweck and further in view of Stohs (U.S. Patent No. 4,726,159);
- Claims 11-14 were rejected as being unpatentable over Stemler in view of Hertweck and further in view of Ryan (U.S. Patent No. 4,453,349);
- Claims 15-17 and 20 were rejected as being unpatentable over Stemler in view of Hertweck and further in view of Gray (U.S. Patent No. 4,594,826);
- Claims 4, 18, and 19 were rejected as being unpatentable over Stemler in view of Hertweck and further in view of Albrecht (U.S. Patent No. 4,962,622; hereinafter "Albrecht I"); and
- Claims 21-23 were rejected as being unpatentable over Stemler in view of Hertweck and further in view of Albrecht (U.S. Patent No. 4,085,558; hereinafter "Albrecht II").

Applicants respectfully traverse these rejections.

As discussed above, independent claim 1 is patentable over Stemler and Hertweck. Holmgren, Stohs, Ryan, Gray, Albrecht I and/or Albrecht II do not overcome deficiencies of Stemler and Hertweck with respect to claim 1. Dependent claims 4, 5, 7-9, and 11-23 add additional limitations. Thus, dependent claims 4, 5, 7-9, and 11-23 are also believed to be allowable over the art of record. Applicants do not otherwise concede the correctness of the Examiner's rejections and reserve the right to make additional arguments as may be necessary. Applicants respectfully request reconsideration and withdrawal of the rejections.

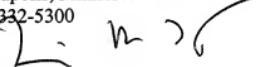
Conclusion

This response is believed to be responsive to all points raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and allowance of all of the currently pending claims. Should the Examiner have any remaining questions or concerns, the Examiner is urged to contact the undersigned attorney at (612) 336.4755 to discuss the same.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 13-2725.

Respectfully submitted,

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